**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.**

Writ Petition No. 4076 (S/S) of 2001
(Old Number No. 20797 of 1998)

Vikram Singh,
S/o Sri Kunwar Singh,
Resident of Village – Talain,
District – Tehri Garhwal. **.....Petitioner**

V e r s u s

1. The Director, Bal Vikas Sewa Evam Pustahar, U.P., Lucknow.
2. District Magistrate, Tehri Garhwal.
3. District Programme Officer (Narendra Nagar), District –Tehri Garhwal.

**.....Respondents**

**Hon'ble M.M. Ghildiyal, J.**

Heard Sri Shobhit Saharia, learned counsel for the petitioner and Sri Paresh Tripathi, learned standing counsel for State of Uttaranchal on behalf of respondents.

No counter affidavit has been filed by the respondents. Petitioner was appointed by the District Magistrate, Tehri Garhwal vide order dated 25.02.1994 as Driver in the pay scale of Rs. 950 – 1500 in the Department of Bal Vikas Sewa Evam Pustahar. The appointment of the petitioner was made on purely temporary basis with a condition that appointment of the petitioner would automatically stands terminated, as and when, the regular appointment is made by the respondent no. 1. Copy of the appointment order was also endorsed to the Director, Bal Vikas Sewa Evam Pustahar. After about 4 years, the Director, Bal Vikas Sewa Evam Pustahar i.e. respondent no. 1 has passed order to cancel the

appointment of the petitioner on the post of Driver which is under challenge in this writ petition. No counter affidavit has been filed by the respondents.

The submission of the petitioner is that the Director has not appointed any driver till date. Earlier also District Magistrate has made appointment on various posts in the department, however, the Director has single out the petitioner and has directed the District Magistrate to cancel the appointment. The Allahabad High Court on 25.02.1999 while admitting the writ petition has stayed the operation of impugned order. On the basis of aforesaid interim order petitioner is still continuing on the post of Driver.

No opportunity of hearing was given to the petitioner prior to passing of impugned order.

Petitioner has already worked with the department for about twelve years. Impugned order dated 20.01.1999 passed by respondent no. 2 is quashed. The petitioner shall be permitted to continue on the post of Driver till duty selected candidate joins on the post of Driver.

The writ petition is finally disposed of. No order as to costs.

**(M.M. Ghildiyal, J)**

May 19, 2006
SKSharma